

AA-6539
Administrative Special Permit

Replace an existing asphalt driveway in the same location measuring a maximum of nineteen (19) feet in width on private property.

Ms. Stephanie Marcus &
Mr. Jonathan Nuechterlein
16 West Lenox Street

**CHEVY CHASE VILLAGE
NOTICE OF ADMINISTRATIVE SPECIAL PERMIT REQUEST**

Please take notice that the Chevy Chase Village Building Officer and Village Manager will conduct an administrative review of a special permit application for the following:

**APPEAL NUMBER AA-6539
MS. STEPHANIE MARCUS &
MR. JONATHAN NUECHTERLEIN
16 WEST LENOX STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek an administrative special permit pursuant to Section 8-11 of the Chevy Chase Village Building Code to replace an existing asphalt driveway in the same location measuring a maximum of nineteen (19) feet in width on private property.

The Chevy Chase Village Code Sec. 8-26 states:

Any driveway on private property may not exceed fifteen (15) feet in width without a special permit from the Board of Managers, except that the apron in front of a two-car garage may extend the full width of the two-car garage, provided that such apron does not exceed twenty (20) feet in length. An existing driveway that does not comply with the previous sentence may be replaced pursuant to Sec. 8-11.

Additional information regarding this case may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 1st day of May, 2014. Abutting or confronting property owners or any aggrieved resident may, within fifteen (15) days of the date the notices are issued, submit written comments and request that the application be submitted to the Board of Managers in accordance with Section 8-10 of the Chevy Chase Village Building Code.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL AA-6539

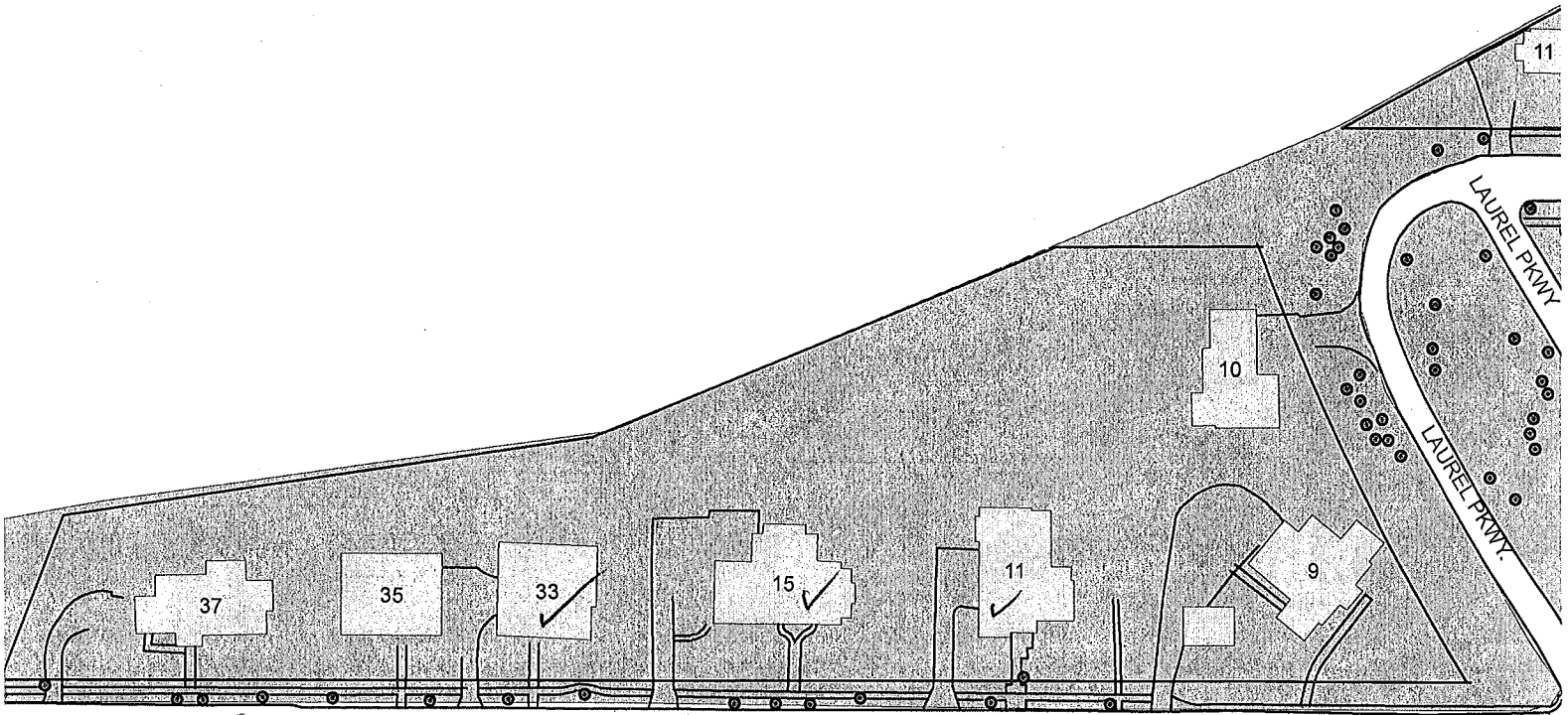
**Ms. STEPHANIE MARCUS &
Mr. JONATHAN NUECHTERLEIN
16 WEST LENOX STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. & Mrs. Michael Gelman Or Current Resident 11 West Lenox Street Chevy Chase, MD 20815	Mr. & Mrs. Steven Laufer Or Current Resident 15 West Lenox Street Chevy Chase, MD 20815
Mr. & Mrs. Peter Wellington Or Current Resident 18 West Lenox Street Chevy Chase, MD 20815	Mr. Nishan Aghajanian Or Current Resident 14 West Lenox Street Chevy Chase, MD 20815
Current Resident 19 West Kirke Street Chevy Chase, MD 20815	Mr. & Mrs. John J. Ryan Or Current Resident 33 West Lenox Street Chevy Chase, MD 20815
Ms. Margot S. Humphrey Or Current Resident 25 West Kirke Street Chevy Chase, MD 20815	Mr. & Mrs. Alaster MacDonald Or Current Resident 21 West Kirke Street Chevy Chase, MD 20815

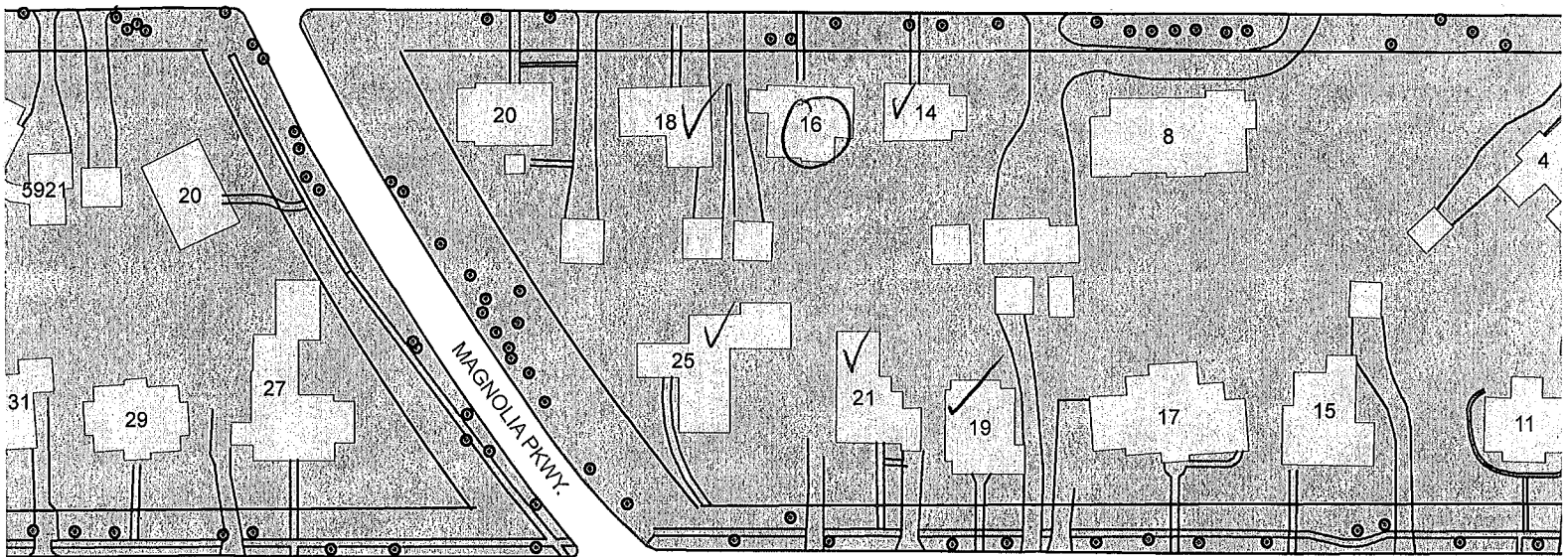


I hereby certify that a public notice was mailed to the aforementioned property owners on the 1st day of May, 2014.

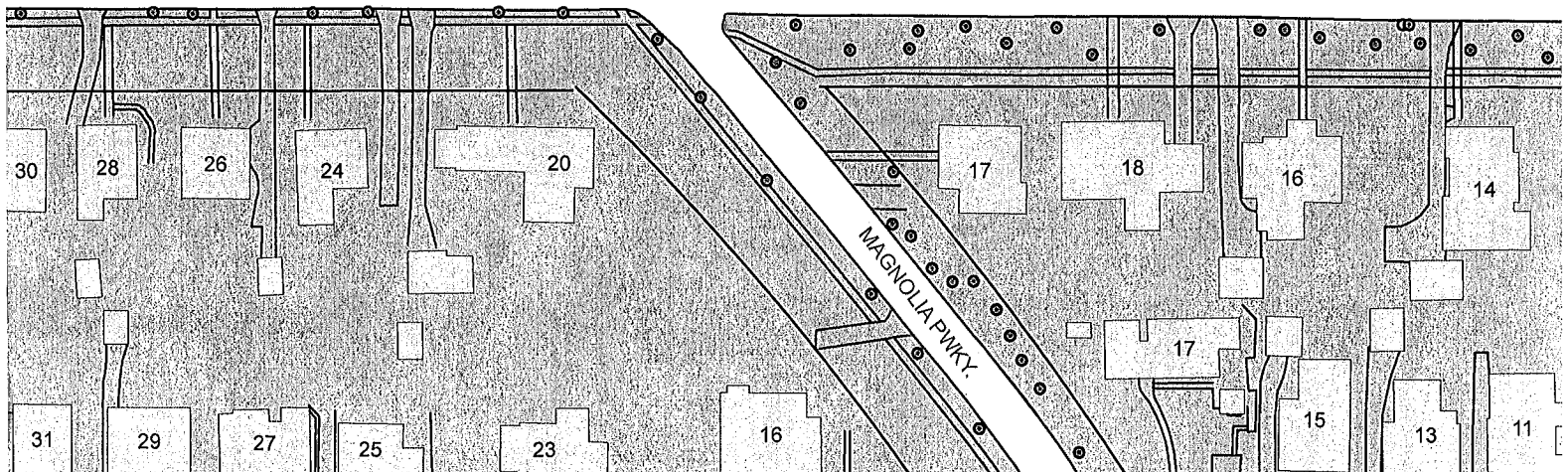
**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



W. LENOX ST.



W. KIRKE ST.



CHEVY CHASE VILLAGE

ESTABLISHED 1890

May 1, 2014

Ms. Stephanie Marcus &
Mr. Jonathan Nuechterlein
16 West Lenox Street
Chevy Chase, MD 20815

Dear Ms. Marcus & Mr. Nuechterlein:

Please note that your request for an administrative review of a special permit to replace the driveway at your property is being reviewed by the Building Officer and Village Manager.

A public notice was mailed to abutting and confronting property owners on the 1st day of May 2014 and a sign was posted at the property. Abutting or confronting property owners or any aggrieved resident, within fifteen (15) days of the date the notices are issued, may submit written comments and request that the application be submitted to the Board of Managers in accordance with Section 8-11 of the Chevy Chase Village Building Code.

For your convenience, enclosed please find copies of the Public Notice and mailing list. Please contact the Village office if you have any questions.

Sincerely,



Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

enclosures

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

PATRICIA S. BAPTISTE
Chair

MICHAEL L. DINGER
Vice Chair

RICHARD M. RUDA
Secretary

DAVID L. WINSTEAD
Assistant Secretary

GARY CROCKETT
Treasurer

ROBERT C. GOODWIN, JR.
Assistant Treasurer

ELISSA A. LEONARD
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

**Chevy Chase Village
Building Permit Application for
Driveways and Other Features at Grade**

Permit No:

AA-
6539

Property Address: 16 W. Lenox St.

Chevy Chase, MD 20815

Resident Name: Jon Nuechterlein & Stephanie Marcus

Daytime telephone: (202) 514-1633

Cell phone: (202) 491-8889

After-hours telephone: (301) 718-9602

E-mail: Stephanie_r_marcus@yahoo.com

Primary Contact for Project:

☒ Resident

☐ Architect

☐ Project Manager

☐ Contractor*

*MHIC/MD Contractor's License No. (required):

Primary Contact Information:

Name: Stephanie Marcus

Daytime telephone:

After-hours telephone:

} see above

E-mail:

Check all that apply:

☒ Driveway (If a new curb cut is required, note additional fee.)

☐ Walkway

☐ Patio, terrace, or deck at grade

Check all appropriate boxes:

Feature is: ☐ new;

☐ an enlargement of an existing feature; and/or

☐ being relocated.

☒ Feature is a replacement in-kind and in the same location.

Description of project: Repaving driveway -- it is a replacement in-kind and in the same location.

To be completed by Village staff:

Is this property within the historic district?

Yes ☒

No ☐

Staff Initials:

ES

Date application filed with Village: 5/1/14

Date permit issued: _____

Expiration date: _____

Guidelines for Building, Replacing and Maintaining Driveways

Village Code states that any person intending to install, replace or alter a driveway, or any material part thereof, must first obtain a Building Permit from the Village office. (Residents within the Historic District must also obtain a Historic Area Work Permit; please contact the Historic Preservation Commission directly.)

Driveways are regulated in three areas: (1) the portion of the driveway located on private property, (2) the portion of the driveway that crosses the public right-of-way, and (3) the driveway apron, which is the portion of the driveway that meets the public street. Please refer to the illustration below for an example of these components.

(1) Driveways on Private Property

Driveways on private property may be installed using any material the resident chooses (although residents within the Historic District must consult with HPC), provided that the driveway does not exceed fifteen feet (15') in width. Village Code allows residents to install a wider garage apron—the section of a driveway just forward of a garage—for two-car garages. The apron in front of a two-car garage may extend the full width of the two-car garage for a distance up to twenty feet (20') from the face of the garage. The Code applies this accommodation only for two-car garages.

(2) Driveways on the Public Right-of-Way

All driveways must cross the public right-of-way to access the street, but where private property ends and the public right-of-way begins ends is not always consistent from street to street, and may even vary from block to block (as discussed above). The first step is to determine where the right-of-way begins in front of your property. Your proposed driveway cannot exceed ten feet (10') in width where the driveway crosses the right-of-way. Also, if your driveway (whether new or replacement) crosses or intersects with a public sidewalk, the sidewalk material must be restored/maintained across the driveway so as to create a continuous public sidewalk of consistent material type.

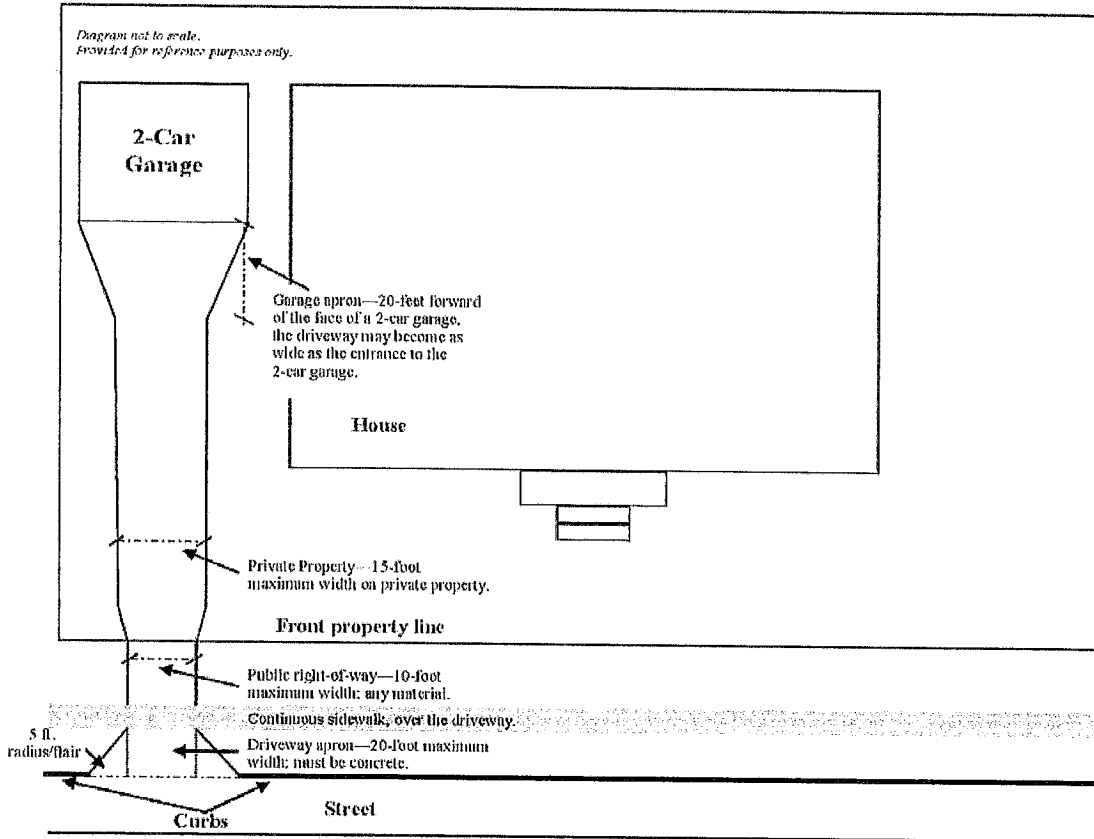
(3) Driveway Aprons

The driveway apron is the portion of the driveway that meets the public street. In addition to the ten foot (10') maximum width of the driveway where the driveway crosses the public right-of-way, the Village Code allows a five foot (5') radius on either side to establish the driveway apron, thereby allowing a maximum width at the curb of twenty feet (20'). While driveways on private property may be installed in any material or color that residents choose, the Village Code specifies that the driveway apron must be installed using concrete in accordance with current Montgomery County standards. Thus, no matter the material used for the driveway itself, the apron must be concrete.

Village Code limits the number of curb cuts permitted per property to one. Accordingly, residents who wish to install a circular driveway will need to request a variance from the Board of Managers.

Unlike other improvements in the public right-of-way, a **License to Use the Public Right-of-Way** is not required to install or replace driveways or driveway aprons. Replacement of a driveway apron is the sole responsibility of the adjoining property owner, not the Village.

Example:



Building Permit Application Filing Requirements

Application will not be reviewed until the application is complete

- ☐ Copy of stamped approved plans from Montgomery County.
- ☒ This application form, signed by resident.
- ☐ Boundary Survey *(Plot attached - see applic. for special permit)*
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness) showing exact location of existing and proposed features.
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days. If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed. No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature: Stephani Mann Date: 4/30/14

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager	Application denied for the following reasons:
	<i>Denial</i>
	<i>Existing driveway exceeds the</i>
	<i>allowable width on private</i>
	<i>property.</i>

Filing Fees (due when application submitted)	Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Filing Fee: <input type="checkbox"/> \$30.00 (if new, enlarged or relocated) <input checked="" type="checkbox"/> \$15.00 (if a replacement in-kind and in the same location) <input type="checkbox"/> \$50.00 for new curb cut. <input type="checkbox"/> \$50.00 for construction in the public right-of-way.	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project	
TOTAL Fees: <i>check # 235</i> <i>\$15.00</i>	Date: <i>5/1/14</i> Staff Signature: <i>Ellen Sands</i>
Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Village Manager Signature:

<i>For Village Staff use:</i> Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)
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Chevy Chase Village

Application for a Special Permit

Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

Subject Property:	16 W. Lenox St. Chevy Chase, MD 20815
Describe the Proposed Project:	Repaving driveway - Replacement in-kind and in same location
Applicant Name(s) (List all property owners):	Jon Nuechterlein; Stephanie Marcus
Daytime telephone:	(202) 514-1633
Cell:	(202) 491-8889
E-mail:	Stephanie - r - Marcus@yahoo.com
Address (if different from property address):	
For Village staff use:	
Date this form received:	5/1/14
Special Permit No:	AA-6539

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Special Permit (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code. *ours falls under 8-26*
- ☐ Applicable special permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Stephanie Marcus

Date: 4/30/14

Applicant's Signature: [Signature]

Date: " "

Describe the basis for the special permit request (attach additional pages as needed):

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

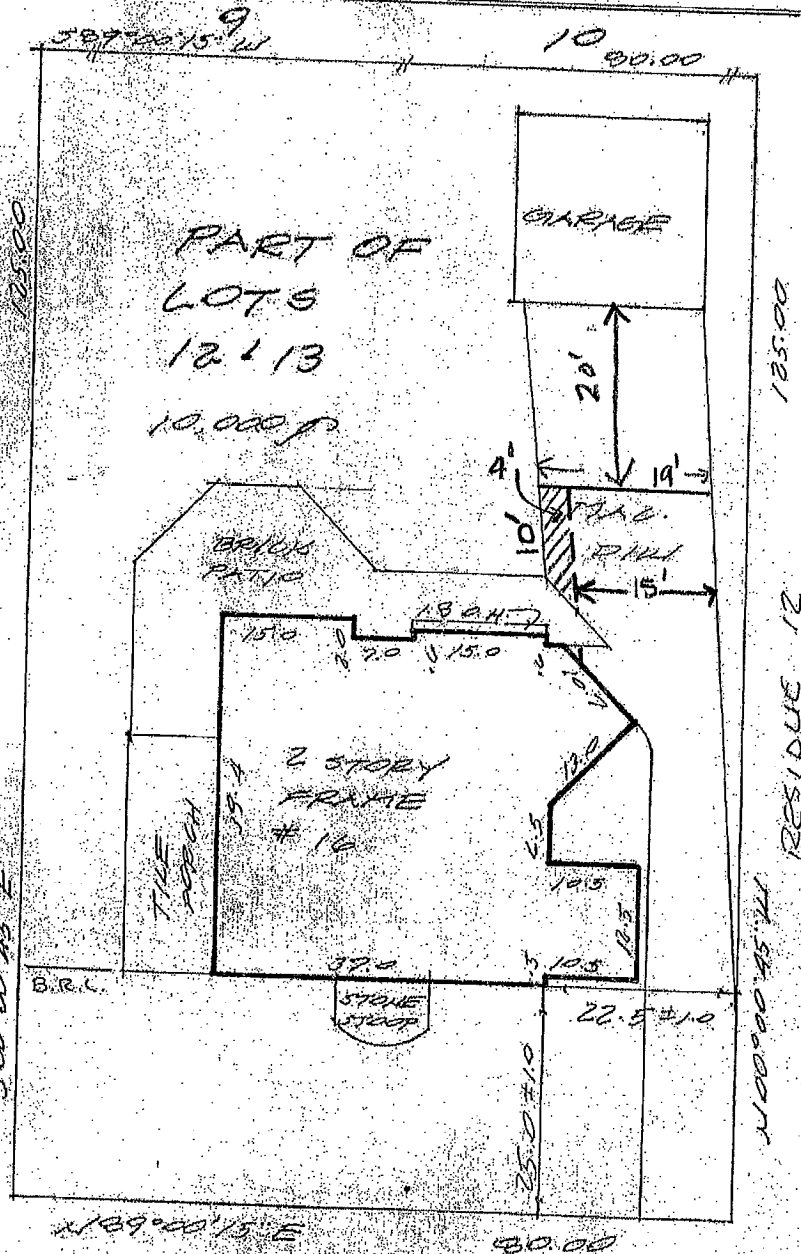
We are repaving the driveway in the same location with the same material-- we are not widening or enlarging the current driveway (which we haven't changed since we bought our house in late 2005) in any way. Though a small section of the current driveway apparently is slightly too wide (see attached plat w/drawing), it has not adversely affected public health, safety or welfare or reasonable use of adjoining properties. Since we aren't changing the location or dimensions, it won't have any such adverse effects in the future. In fact, it will just look a lot nicer after it's repaved!

Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

Granting the permit is consistent with the intent and purpose of the Chevy Chase Village Code because repaving the driveway in the same location with the same material does not diminish green space, alter the flow of light or the character of the property.

In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Special Permit Filing Fees	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. Fee Paid:	Date Paid: Staff Signature:
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager



Setback requirements are as per plat.
No evidence of property corners was found.
Apparent occupation is shown.

Date: 11-01-06
Plat Book: 2
Plat No.: 106
Work Order: 05-5701
Address: 16 LENOX STREET
District: 7
Jurisdiction: MONTGOMERY COUNTY, MD

Scale: 1" = 20' Dwn 0.0
NO TITLE REPORT FURNISHED

Surveyor's Certification

I hereby certify that the survey shown hereon is correct to the best of my knowledge and that, unless noted otherwise, it has been prepared utilizing description of record. This survey is not a boundary survey and the location or existence of property corners is neither guaranteed nor implied. Fence lines, if shown, are approximate in location. Building restriction lines shown are as per available information and are subject to the interpretation of the originator.

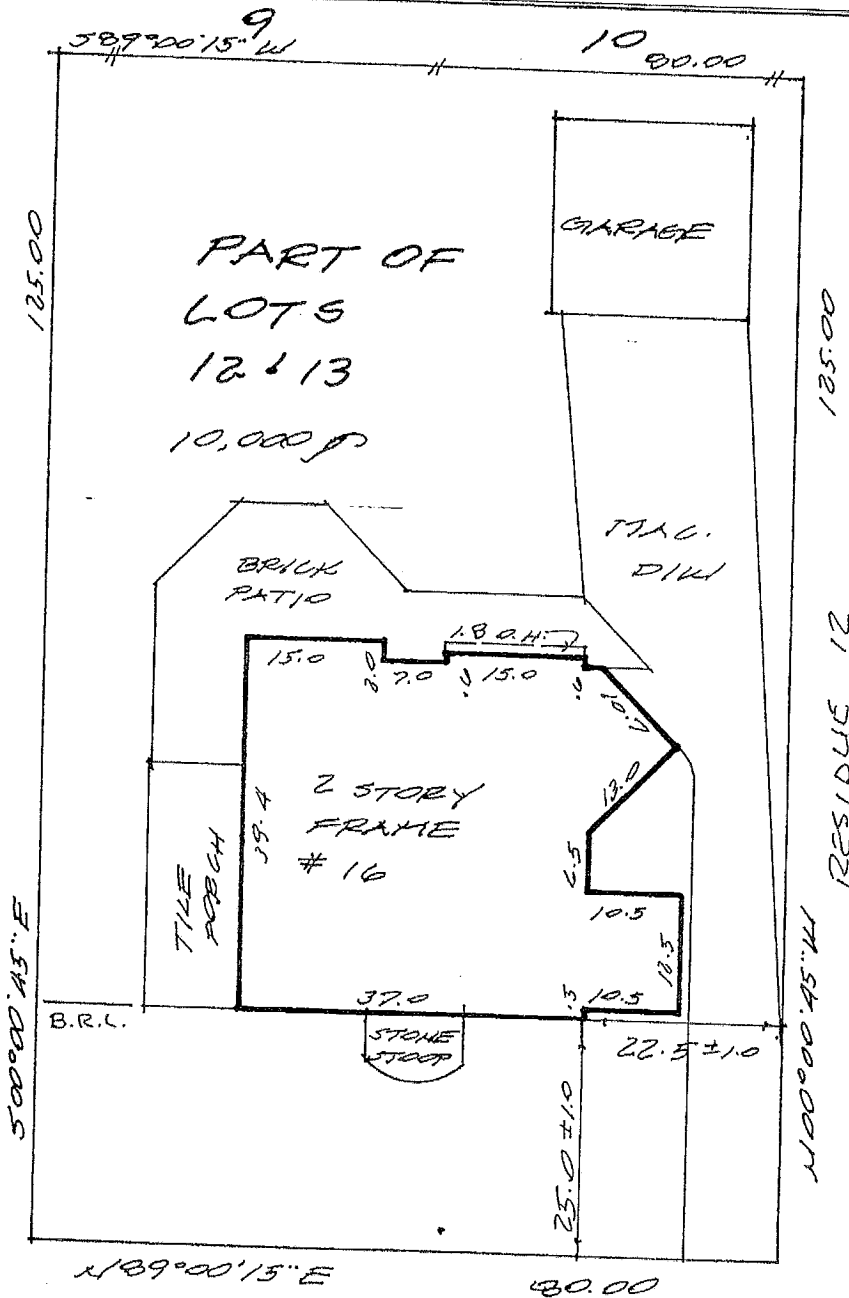
Keith W. Leu

LOCATION DRAWING
PARTS OF LOT 12 & 13
BLOCK 38
SECTION No. 2
CHEVY CHASE

NOTE: This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.



Meridian Surveys, Inc.
811 Russell Avenue
Suite #303
Gaithersburg, MD 20879
(301) 721-9400



LENOX STREET

Setback requirements are as per plat.
No evidence of property corners was found.
Apparent occupation is shown.

Date: 11-01-05
Plat Book: 2
Plat No.: 106
Work Order: 05-5701
Address: 16 LENOX STREET
District: 7
Jurisdiction: MONTGOMERY COUNTY, MD

Scale: 1"=20' Dmn: B.D.

NO TITLE REPORT FURNISHED

Surveyor's Certification

I hereby certify that the survey shown hereon is correct to the best of my knowledge and that, unless noted otherwise, it has been prepared utilizing description of record. This survey is not a boundary survey and the location or existence of property corners is neither guaranteed nor implied. Fence lines, if shown, are approximate in location. Building restriction lines shown are as per available information and are subject to the interpretation of the originator.

Keith W. Leu

LOCATION DRAWING
PARTS OF LOT 12 & 13
BLOCK 38
SECTION No. 2
CHEVY CHASE

NOTE: This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.



Meridian Surveys, Inc.
811 Russell Avenue
Suite #303
Gaithersburg, MD 20879
(301) 721-9400

Chevy Chase Village

Website Posting Notice

for Appeal, Special Permit & Variance Hearings

Case Number:

Hearing Date:

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

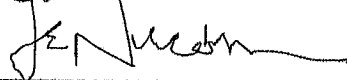

Applicant/Appellant Name: Jon Nuechterlein and Stephanie Marcus

Address: 16 W. Lenox St. Chevy Chase, MD 20815

Telephone: (301) 718-9602

E-mail: stephanie_r_marcus@yahoo.com

Applicant/Appellant Signature:

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: 

Date: 5/1/14